

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION**

DOCKET NO. 3:08-CV-502-FDW

ALFRED T. THOMAS,

Plaintiff

vs.

CHRISTY T. MANN, et al.,

Defendants

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ORDER

NOW BEFORE THE COURT is Plaintiff's petition to proceed *in forma pauperis*, filed 5 November 2008 (Doc. No. 2). When reviewing a petition to proceed *in forma pauperis*, the Court must not only determine that the petitioner is financially unable to pay court costs, but also must review the complaint and be satisfied that the claims contain an arguable basis for relief in both fact and law. See 28 U.S.C. § 1915(e)(2)(B); White v. Gregory, 1 F.3d 267, 269 (4th Cir. 1993).

In this case, the Petitioner/Plaintiff is subject to a pre-filing injunction by Order of this Court, Thomas v. Fulton, No. 3:07-CV-200-MU (Doc. No. 43), due to an extensive history of duplicative, vexatious and frivolous litigation. Upon preliminary review of the complaint, it appears that the allegations contained therein stem from and are just as frivolous as those issues he already had an opportunity to fully litigate in his past filings. Therefore, the Court DENIES the petition to proceed *in forma pauperis* and DISMISSES the complaint with prejudice pursuant to 28 U.S.C. § 1915(e)(2)(B). The Clerk is directed to mail a copy of this Order to Plaintiff's address of record and close the case file.

IT IS SO ORDERED.

Signed: January 23, 2009


Frank D. Whitney
United States District Judge

